

APPLICANT(S): MOORE, Jonni *et al.*
SERIAL NO.: 10/594,620
FILED: June 27, 2007
Page 2

REMARKS

Claims 1-27 are pending in the application. Restriction has been required as to one of the two groups of claims, identified as Groups I, and II. As characterized by the Examiner, Group I consists of claims 1-13, drawn to a method for determining metal-induced sensitivity of a subject, Group II consists of claims 14-27, drawn to a kit comprising an agent which selectively labels intracellular proteins. In response, Applicants hereby elect for prosecution the subject matter of Group I (claims 1-13). Applicants hereby affirm the right to file one or more continuing applications directed to any of the non-elected subject matter.

Additionally, the Examiner asserts that Group I is further restricted by disease species and thus requires election of one of the diseases recited in claim 3. In response, Applicants hereby elect the species of chronic beryllium disease. Claim 3 (in part) encompasses chronic beryllium disease.

It is our understanding that upon allowance of a generic claim, Applicants will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim, pursuant to 37 C.F.R. § 1.141.

Applicants further note that, in accordance with MPEP 821.04, Applicants are entitled for rejoinder of product claims with process claims that are commensurate in scope with the product claims following a finding that the product claims are allowable.

APPLICANT(S): MOORE, Jonni *et al.*
SERIAL NO.: 10/594,620
FILED: June 27, 2007
Page 3

CONCLUSION

Should the Examiner have any question or comment as to the form, or content of this response, the Examiner is requested to contact the undersigned at the telephone number below.

No fees are due, however, if any fee is due, the undersigned hereby authorizes the United States Patent and Trademark Office to charge the fees to Deposit Account 50-3355.

Respectfully submitted,



Mark S. Cohen (Registration No.: 42,425)
Prakash Subbiah (Limited Recognition No.: L0094)
Attorney/Agent for Applicant(s)

Dated: April 24, 2009

Pearl Cohen Zedek Latzer, LLP
1500 Broadway, 12th Floor
New York, NY 10036
Tel: (646) 878-0800
Fax: (646) 878-0801